

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14942 of 2004

Between:

Kurri Gangadhar, S/o Kurri Narasaiah,
Banswada Bus Depot, Nizamabad District O/o I.P.Joel, General Secretary & rep.for
the workmen & APSRTC Employees & Workers Union, Reg.No.10, Door No.11-4-
288, Chilakalaguda, Secunderabad, Andhra Pradesh.

... PETITIONER

AND

- 1 The Depot Manager, APSRTC Banswada Bus Depot, Banswada,
Nizamabad District
- 2 The Enquiry Officer (Asst.Manager, Enquiries), (Also known as Chief Inspector,
Enquiries) APSRTC O/o Regional Manager, Nizamabad Region, Nizamabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of 1st respondent in refusing to supply the relevant documents without giving any opportunity to prove the petitioner not guilty of the allegations of the Charges of the Charge Sheet framed against him and the 2nd respondent by not giving the opportunity to take the assistance of the representative of the Workman and the General Secretary of the Union named above to the representations dated 16-06-2004 and dated 18-06-2004 as against the 1st & 2nd respondents letters dated 07-05-2004, and 16-6-2004 as violative of Articles 14 and 16 of the Constitution of India and consequently praying that this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: PARTY-IN-PERSON

Counsel for the Respondents: MR.V.T.M.PRASAD, Standing Counsel for APSRTC

The Court at the admission stage made the following:

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Oral Order:

The petitioner worked as a conductor in the respondent Corporation. He faced an enquiry through charge sheet dated 21-2-2004 on cash and ticket irregularities. During the pendency of the enquiry, the petitioner approached this Court on 22-7-2004 seeking to declare that the action of the first respondent refusing to supply the relevant documents and the second respondent not giving opportunity to take assistance of a representative of the workman as illegal and arbitrary and violative of the principles of natural justice.

No orders have been passed by this Court staying further proceedings of the enquiry.

The respondents have filed counter-affidavit mentioning that final orders were passed on 19-8-2004 removing the petitioner from service. The learned counsel for the respondent submitted that as the petitioner was removed from service w.e.f. 19-8-2004, the writ petition became infructuous and the same may be dismissed accordingly.

In view of the averment in the counter-affidavit that the final orders were passed on 19-8-2004 ordering removal of the petitioner from service, the writ petition became infructuous and it is dismissed accordingly.

The petitioner, if so advised, is at liberty to question the legality of the final order passed by the respondent on 19-8-2004.

(Dr.G. Yethirajulu, J)

03rd November 2004

SVS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Depot Manager, APSRTC Banswada Bus Depot, Banswada,
Nizamabad District
- 2 The Enquiry Officer (Asst.Manager, Enquiries), (Also known as Chief Inspector,
Enquiries) APSRTC O/o Regional Manager, Nizamabad Region, Nizamabad.
- 3 Mr.I.P.Joel (Party-in-Person)
- 4 Mr.V.T.M.Prasad, Advocate (OPUC)
- 5 2 CD copies.

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